## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

No. 7:12-CR-57-F

UNITED STATES OF AMERICA	)	
	)	
v.	)	<u>ORDER</u>
	)	
COREY CONNELL CARROLL,	)	
ANTWAN QUARTEZ OBEY,	)	
Defendants.	)	

This matter is before the court on the Defendants' Motion to Dismiss or Suppress All Testimony of Witness Due to Government's Failure to Disclose Material, Exculpatory Evidence [DE-139]. The Motion is hereby DENIED. Because the Defendant's trial is scheduled to begin on Monday, July 22, 2013, and the court received this motion Friday, July 19, 2013, the court is not in a position to complete a detailed order explaining its reasoning. In short, the court finds that the Defendants have not shown sufficient prejudice to warrant dismissal of the Indictment or suppression of the witness's testimony. For purposes of any potential appellate review, the court will enter a detailed order explaining its reasoning at a later date.

The court notes that it contacted defense counsel and raised the possibility of continuing this case as a potential remedy. Defense counsel for both Obey and Carroll have declined that offer. Therefore, jury selection and the jury trial remain scheduled for 10:00 a.m. on Monday, July 22, 2013. Finally, the court notes that it still expects a written response from the United States Attorney's office to the Defendants' motion.

SO ORDERED. This the 11 day of July, 2013.

JAMES C. FOX Senior United States District Judge